

REMARKS

Claims 1 – 7 and 21 - 34 are pending in the present application, of which claims 28 – 32 have been withdrawn from consideration. By this Amendment, claims 1, 3, 21, 23, 33 and 34 have each been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated October 20, 2005.

As to the Merits:

As to the merits of this case, the Examiner maintains the following rejections:

- 1) claims 1-7, 21-27 and 33-34 stand rejected under 35 USC 102(e) as being anticipated by Yosida;
- 2) claims 1 - 4, 21 - 24 and 33 have been rejected under 35 USC 102(e) as being anticipated by Tsuruoka; and
- 3) claims 1-7, 21-27, and 33-34 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10 and 12-15 of Yosida (U.S. Patent No. 6,803,955).

Each of these rejections is respectfully traversed.

The Yosida Reference:

In response to Applicants' argument that Yosida discloses an imaging apparatus where a 6-color filter consisting of 2-density RGB is used to increase dynamic range, the Examiner asserts:

Although the reference refers to the RGB random color array as a 6-color array, the color filters of the array (LR,DR, LG, DG, LB, DB) are the same colors (relative spectral permeabilities) as the R,G, and B filters of the prior Bayer type imaging device (col. 12, lines 25-34). Therefore, the array disclosed by Yosida is a three-colored (R,G,B) coding array and each color filter (R,G,B) has variable permeability characteristic.¹

However, it is submitted that the Examiner's position lacks merits, since Yosida clearly discloses in col. 5, lines 52-55 that, "[t]he 6-color random color coding array has six colors with two thereof constituting each of three original colors while being different in sensitivity."

As such, it is believed that the Examiner's interpretation of Yosida disclosing a three-colored (R,G,B) coding array is clearly unreasonable given that Yosida explicitly recites that "[t]he 6-color random color coding array has six colors."

In addition, it is also noted that Yosida discloses that the three different color characteristics are the original colors R, G and B which are additively mixed. See, col. 4, lines 45-46; and col. 18, lines 13-15.

¹ Please see, lines 11-16, page 2 of the Action.

As such, each of the independent claims 1, 3, 21, 23, 33 and 34 have been amended to include the feature that each of the colors of the three-colored coding array are not mixed, in order to more clearly distinguish the present claimed invention from the disclosure of Yosida.

The Tsuruoka Reference:

In response to Applicants' previous argument that the array disclosed in Fig. 12A of Tsuruoka is not a randomized array, the Examiner asserts:

Tsuruoka discloses in figures 12A and 12B a three-color quasi-random array (col. 13, line 46 - col. 14, line 13). The Examiner is reading the quasi-random array as a randomized array because it is clear that a random process is used to generate the array.²

However, it is submitted that while Tsuruoka may disclose that the location of the filter colors R, G, B maybe random, Tsuruoka clearly discloses that the rate of appearance of the filter colors in both the vertical and horizontal directions is uniform. For example, the rate of appearance of the filter colors R, G, B in each of the rows and columns of the array filter shown in Fig. 12A is uniform, since each row and column includes two of each color.

As such, it is believed that the Examiner's reading of Tsuruoka's quasi-random array as a randomized array is unreasonable, since the rate of appearance in Tsuruoka is uniform and not random.

² Please see, liens 4-7, page 3 of the Action.

Moreover, independent claim 33 calls for *wherein said three-colored separation filter has a random three-colored arrangement satisfying minimum color density conditions but having no regularity*. (Emphasis added.) Independent claim 34 includes similar features.

In contrast, the array filter shown in Fig. 12A of Tsuruoka does have regularity since, as discussed above, the rate of appearance of the filter colors R, G, B in each of the rows and columns of the array filter is uniform.

Obviousness-Type Double Patenting:

Claims 1-7, 21-27, and 33-34 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10 and 12-15 of Yosida (U.S. Patent No. 6,803,955).

This rejection is respectfully traversed.

It is respectfully submitted that since the independent claims have been amended, as discussed above, to include the feature that each of the colors of the three-colored coding array are not mixed, it is now believed that each claim of the present case is patentably distinguished from each claim of Yosida. Accordingly, withdrawal of this rejection is requested.

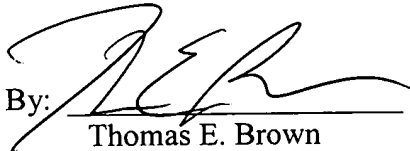
In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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